

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Boating and Ocean Recreation
Honolulu, Hawaii 96813
May 26, 2006

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

OAHU

Issuance of a Non-Exclusive Easement for a sewage transmission line, and a Construction and Management Right-of-Entry for a temporary sewage bypass Line to be placed within the Ala Wai Canal to The City and County of Honolulu, Waikiki, Honolulu, Hawaii, Tax Map Key: (1) 2-3-034:, 035:, 036:, 037:, (1) 2-7-036:, (1) 2-6-017 and a Right of entry, and/or an Easement for crossing any other State lands adjacent and within the Ala Wai Canal surrounding area to the City and County of Honolulu to fully accomplish this project.

APPLICANT:

The City and County of Honolulu, by its Department of Design and Construction, whose business and mailing address is 650 S. King Street, Honolulu, Hawaii, 96813.

LEGAL REFERENCE:

Sections 171-13 & 55, Hawaii Revised Statutes, as amended.

LOCATION:

Portion of Government lands of the Ala Wai Canal situated at Waikiki, Honolulu, Oahu, identified by Tax Map Key: (1) 2-3-34:, 35, 36, 37; (1) 2-7-036, and (1) 2-6-017 as shown on the attached map labeled Exhibit 1.

AREA:

1.7 acres, more or less

ITEM J-1

ZONING:

State Land Use District: Urban
City & County of Honolulu LUO: Waikiki Special District, Diamond Head Special District, Public Precinct, P-2 (General Preservation)

TRUST LAND STATUS:

Section 5() lands of the Hawaii Admission Act
DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: YES_
NO_x

CURRENT USE STATUS:

Vacant and Unencumbered

CHARACTER OF USE:

Right, privilege, and authority to construct, use, maintain, and repair a right-of way over, under and across State-owned land for a sewage transmission line.

TERM

1. Construction and Management Right-of-Way for a Temporary Bypass Line for a term of up to six (6) years, inclusive of a permanent line to be routed directly across the width and under the bottom of the Ala Wai Canal, and a permanent below ground shaft and entrance piping on the mauka bank of the Ala Wai Canal (across from Kaiolu Street). Inclusive, shall also be the portion of Temporary Bypass pipe to be laid on the bottom, running the length of the Canal.
2. Non-Exclusive Easement shall be for a Permanent line running under and directly across the Ala Wai canal, and for Permanent below ground shaft and entrance piping on the mauka bank of the Ala Wai Canal (opposite of Kaiolu Street) for perpetuity.

CONSIDERATION:

Gratis.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

The City and County of Honolulu is prepared to move ahead with an Environmental Assessment and obtain necessary permits, should a State of Emergency not be issued. See Exhibit List of Various Permits and Agency Clearances as provided by the City and County. In the event a State of Emergency is not issued, the affected portions of the bypass work will be

suspended until the proper permits and clearances are obtained.

REMARKS:

The City and County of Honolulu Department of Design and Construction is currently planning to install an emergency temporary construction bypass sewage line for the existing Beachwalk force main. This line is to run across the Ala Wai Canal, then lay along its bottom and exit at a point alongside the Ala Moana Bridge. At the same time, the City and County of Honolulu (CCH) will install a permanent new 42 inch sewage line directly across its breadth and approximately twenty five (25) feet under the bottom the Ala Wai Canal to its mauka bank. Once across the balance of this permanent line will continue on a path along the Canal's mauka bank underground to terminate at the existing discharge manhole near the Moana Park Pump Station.

In March of 2006, the existing Beachwalk force main ruptured under Kaiolu Street, and the City and County of Honolulu diverted approximately 48 million gallons of raw wastewater into the Ala Wai Canal. The emergency temporary bypass line is being constructed to avoid a reoccurrence.

The emergency temporary bypass line will be used as a back up force main for the existing Beachwalk force main and utilized on an as need basis only.

The line will be in place for approximately 5-6 years. During this duration, a new permanent Beachwalk force main will be constructed, and the damaged existing Beachwalk force main will be inspected and rehabilitated as needed. The emergency temporary bypass line will be removed upon completion of these items of work.

The emergency temporary bypass line will have an Inside Diameter of 42-inches and will be approximately 7,200 feet in length. The line will run from the existing Beachwalk Pump Station to the existing discharge manhole in Ala Moana Park, see attachment 1 for the alignment. Any adjustment to the alignment during the course of construction will be reported to the Department of Land and Natural Resources (DLNR).

The following describes the specific segments of the line:

I. **Existing Beachwalk Pump Station to Shaft No. 2:**

This segment will be approximately 1,220 feet in length, and installed approximately 40-feet below ground. This segment will be installed without disrupting vehicular traffic, by a construction method called 'Microtunneling'. 'Microtunneling' is a trench less construction method that uses a remote controlled boring machine combined with pipe jacking to directly install pipelines underground. Note: The pipe jacking system and pipe material is under evaluation.

Note: This segment will be permanent and become part of the new Beachwalk force main.

II. **Shaft No. 2 to TMK No. 2-3-37:008:**

This segment will be approximately 5,320 feet in length, and installed below ground along the mauka bank of the Ala Wai Canal, then on the bottom of the canal. This segment will be constructed of High Density Polyethylene (HDPE) pipe. The basic construction method for installing the line on the bottom of the canal is as follows:

1. HDPE pipe segments will be fused together to create a seamless length of pipeline. The fused pipeline will be temporarily laid along the Manoa-Palolo Canal.
2. Concrete weights will be attached to the outside of the pipe, along the length of the pipeline.
3. The pipeline, with the concrete weights, will be launched into the Ala Wai Canal.
4. The pipeline will be filled with water; this will add the weight needed to submerge the pipeline to the bottom of the canal.

Note: The spacing and details of the concrete weights are under evaluation.

The CCH will leave a passage way, in the Ala Wai Canal, for emergency boats and canoes, with 3' cover over the pipe at mean low-low tide level (-0.8' MSL).

A leak detection and monitoring plan will be developed with the Department of Health, and will be implemented by the CCH whenever the emergency temporary bypass line is utilized. Implementation of the leak detection and monitoring plan will include notification of DLNR.

The CCH understands that DLNR has approximately \$3M budgeted for future dredging of the Ala Wai Canal. If such dredging project is adversely affected by the presence of the emergency temporary bypass line, the CCH will participate in additional costs incurred, up to \$1M. CCH's share shall be determined and included in an executed Intergovernmental Agency Agreement.

III. **TMK No. 2-3-37:008 to Existing Discharge Manhole:**

This segment will be approximately 650 feet in length, and installed approximately 8 feet below ground. This segment will be constructed of HDPE pipe. Vehicular traffic will be disrupted for a short duration when the pipe is installed across the Ala Moana Park driveway.

IV. **Portable Pump Force Main System:**

A portable pump force main system will be constructed on the makai and mauka banks of the Ala Wai Canal. The portable pump force main system will divert wastewater away from the existing Beachwalk pump station, and permit the CCH to deactivate the existing Beachwalk force main. It is important to deactivate the existing Beachwalk force main because the microtunneled segment of the line will be constructed under the damaged existing Beachwalk force main and it is unknown if the construction of the microtunneled segment will damage the existing force main further. The portable pump force main system will consist of

7 portable pumps and approximately 2,000 feet of HDPE pipe. The system will take wastewater from 7 manholes and discharge it into the emergency temporary bypass line. The system will be removed when the microtunneled segment is complete.

The State Historic Preservation Division (SHPD) has provided comments regarding archaeological mitigation measures associated with the proposed undertaking. Specifically, SHPD recommends archaeological monitoring of all subsurface below the existing road base coarse layers. The walls of the Ala Wai canal are understood to be historic; the Architecture Branch of the SHPD is drafting a second letter to be sent to the Chairperson shortly regarding the protection of the Ala Wai walls.

RECOMMENDATION:

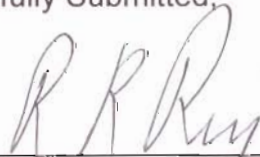
That the Board, authorize the issuance of a Construction and Management Right-of-Entry Permit and Non-Exclusive Easement to The City and County of Honolulu covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

1. The City and County of Honolulu shall be required to obtain all appropriate Federal, State, and County required permits.
2. The City and County of Honolulu shall be solely responsible for the Maintenance and cleaning of all construction areas, debris, and inclusive shall be the the monitoring of the project area within the waters within the Ala Wai Canal for the term of the construction project.
3. The City and County shall be solely responsible for the immediate removal of any debris that comes down the Ala Wai canal and lodges in anyway with the Temporary Sewage pipe in anyway or related improvements during the entire term the pipe is in the Ala Wai canal.
4. The City and County of Honolulu understands that DLNR has approximately \$3-million budgeted for future dredging of the Ala Wai Canal. If such dredging project is adversely affected by the presence of the emergency temporary bypass line, the City and County of Honolulu will participate in additional costs incurred, up to \$1-million. Authorize the Chairperson to negotiate a Memorandum of Agreement with the appropriate parties, with the terms and conditions subject to the review and approval by the Department of the attorney General.
5. The City and County of Honolulu understands that DLNR is currently conducting an Ala Wai Watershed Study in partnership with the U.S. Army Corps of Engineers. The City and County of Honolulu also understands that any improvements proposed in the canal as a result of this study may

conflict with the emergency temporary bypass. The City and County further understands that they shall be solely responsible to resolve any conflict that occurs between their temporary bypass project and any DLNR projects.

6. The City and County of Honolulu understands that the Non-Exclusive Easement or Construction and Management Right of entry permit inclusive of all portions of the Temporary Sewage Bypass Line will terminate on June 1, 2012 at which time all temporary improvements related to the emergency temporary bypass shall be removed from the Ala Wai Canal. The City and County of Honolulu also understands that an extension may be granted only by written request from the City and County of Honolulu and subsequent approval from the Board of Land and Natural Resources. This request must be made at minimum of ninety (90) days in advance of the termination date.
7. The standard terms and conditions of the most current Non-Exclusive Easement and right-of-entry permit as to form, as may be amended from time to time; and which contains proper the hold harmless and liability language.
8. Review and approval by the Department of the Attorney General; and
9. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Richard K. Rice
Administrator

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson

DEPARTMENT OF DESIGN AND CONSTRUCTION
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 11TH FLOOR
HONOLULU, HAWAII 96813
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Web site: www.honolulu.gov

MUFI HANNEMANN
MAYOR



DIRECTOR
EUGENE C. LEE, P.E.
DEPUTY DIRECTOR
WW.PDE 06-090

May 23, 2006

Mr. Peter T. Young, Chairperson
Board of Land and Natural Resources
State Department of Land and Natural Resources
1151 Punchbowl Street, Room 130
Honolulu, Hawaii 96813

Dear Mr. Young:

Subject: Beachwalk Wastewater Pump Station Force Main, Construction Bypass

Your assistance is requested to facilitate our installation of a Beachwalk Sewage Pump Station Force Main (BSPFM) construction bypass within the Ala Wai Canal. We anticipate that this will need to remain in place for 5 to 6 years and will be used on an intermittent basis only. The areas of assistance relate to issues, permits and approvals relating to Historic Preservation, Stream Channel Alteration, Rights of Entry and permanent Easements.

As you know, in March of 2006, the City's BSPSFM ruptured under Kaiolu Street, and the City diverted approximately 48 million gallons of raw wastewater into the Ala Wai Canal. While we felt the diversion was the only viable option under the circumstances, the City wants to avoid a reoccurrence should another such rupture occur. Consequently, the City is proceeding with the aforementioned project, to be accomplished in 2 phases.

The initial phase involves the placement of a thick walled, 42-inch Inside Diameter (ID), High Density Polyethylene (HDPE) pipe on the bottom of the Ala Wai Canal, from the City's existing 69-inch trunk sewer within Ala Moana Beach Park to the vicinity of Lewers and Nahua Streets. In the vicinity of Lewers and Nahua Streets, the line will leave the canal and be placed on the mauka sidewalks of the Ala Wai Boulevard along with a series of portable pumps. At this time, the bypass and portable pumps will be used to intercept and convey raw wastewater away from the Beachwalk Wastewater Pump Station (WWPS) in order to allow the 2nd phase to proceed.

The phase two will involve the microtunneling of a new permanent segment of a replacement force main from the Beachwalk WWPS and under and across the Ala Wai Canal and to its mauka bank. This work should take approximately 3 months. Upon

Mr. Peter T. Young
Page 2
May 23, 2006

completion of the microtunneling, the new replacement force main segment will be connected to the Beachwalk WWPS and to the 42-inch I.D. HDPE pipe within the Ala Wai Canal. The portable pumps and their associated discharge piping will then be removed. See enclosed Exhibit No. 1 for reference.

Subsequently, the Beachwalk WWPS will be operated utilizing its existing force main, i.e., the new force main segment and temporary bypass will be used only on an as needed basis. A leak detection and monitoring plan will be developed with the State Department of Health, and will be implemented by the City whenever the temporary bypass is utilized. Implementation of the leak detection and monitoring plan will include notification of the Department of Land and Natural Resources (DLNR). Ultimately, the temporary bypass will be removed from the Ala Wai Canal after a permanent redundant system is implemented by the City.


We understand that the State DLNR has approximately \$3M budgeted for the future dredging of the Ala Wai Canal. Should your dredging project be adversely affected by the presence of the temporary construction bypass within the Ala Wai Canal, the City will participate in the additional costs incurred, up to \$1M. The City's share shall be determined and included in an executed Intergovernmental Agency Agreement.

If you have any questions, please call Mr. Guy Inouye of the Department of Design and Construction at 527-5148.

Very truly yours,

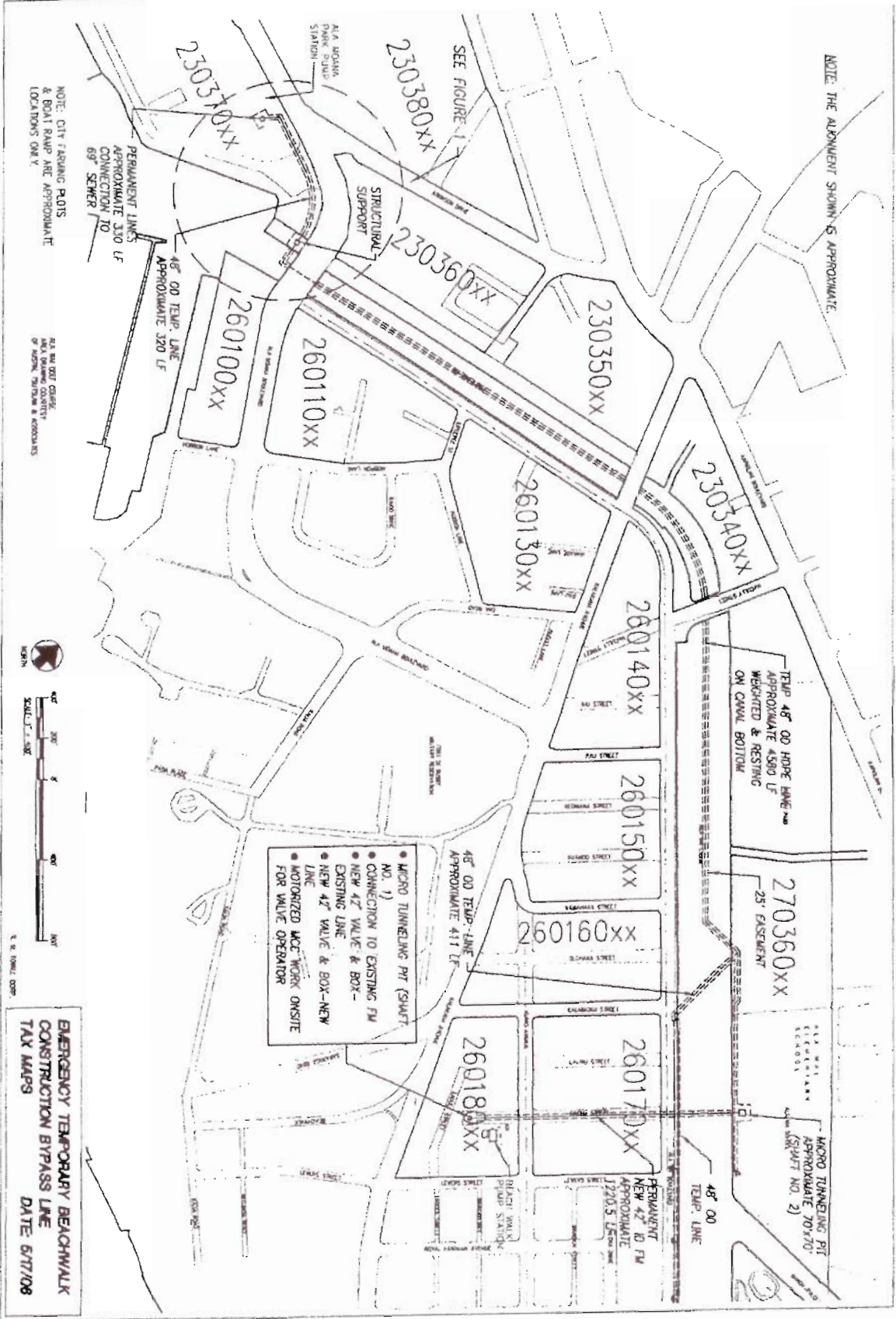


Eugene C. Lee, Deputy Director
Department of Design and Construction



Dr. Eric S. Takamura, P.E., Director
Department of Environmental Services

Encl.



NOTE: CITY FARMING PLOTS
 & BOAT RAMP ARE APPROXIMATE
 LOCATIONS ONLY.

ALL NEW PLOT CHASE
 DATA DRAWING COUNTY
 OF ADAMS, THURMAN & ASSOCIATES



- MICRO TUNNELING PIT (SHEET NO. 1)
- CONNECTION TO EXISTING F/W
- NEW 42\"/>

EMERGENCY TEMPORARY BEACHWALK
 CONSTRUCTION BYPASS LINE
 TAX MAPS
 DATE: 5/7/08

OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU

530 SOUTH KING STREET, ROOM 300 * HONOLULU, HAWAII 96813
PHONE: (808) 523-4141 * FAX: (808) 523-4242 * INTERNET: www.honolulu.gov



MUFU HANNEMANN
MAYOR

WAYNE M. HASHIRO, P.E.
ACTING MANAGING DIRECTOR

TRUDI S. SAITO
DEPUTY MANAGING DIRECTOR

May 3, 2006

The Honorable Linda Lingle
Governor of Hawaii
Executive Chambers
State Capitol
Honolulu, Hawaii 96813

Dear Governor Lingle:

Subject: Declaration of a State of Emergency for the Completion of Beach
Walk Force Main Sewer Project, City and County of Honolulu

As you know, the City and County of Honolulu (City) has been besieged with more than 40 days of heavy rains, which resulted in a number of wastewater spills across the islands and, in particular, the recent Beach Walk force main spill. The Beach Walk force main is situated in the heart of Waikiki and the recent spill may have a broader economic impact on the State's tourism industry. All of these events have caused a public sense of urgency regarding our sewer collection system.

The City has been meeting with the EPA on issues relating to the operation and maintenance of our wastewater collection system pursuant to the 1995 federal Consent Decree. The recent Beach Walk spill has affected these discussions, causing EPA to request the Department of Justice to pursue a separate action against the City regarding "critical" sewer force mains with a Stipulated Order through the Department of Justice (DOJ). During a May 1, 2006 telephone conversation I had with Mr. Wayne Nastri, EPA Region 9 Administrator, and Mr. Laurence Lau, State Department of Health (DOH), they both expressed the urgency to focus on these "critical" force mains that they are classifying as immediate and urgent. While the City disputes the need for this legal action, EPA and DOH are demanding that these projects actually be constructed and be operational as soon as possible. The City has estimated these specific force main projects alone to cost in the range of \$400 million. Mr. Nastri and Mr. Lau also both expressed a willingness to assist the City in whatever financial assistance the federal and state governments can provide. If the State is willing to offer financial assistance to the City, it would greatly assist the City in developing a financial plan for the funding of critical sewer projects.

The Honorable Linda Lingle
May 3, 2006
Page Two

In light of the above situation, the City is requesting that a state of emergency be declared to allow it to be able to move forward with construction efforts expeditiously without the need to comply with the state environmental statutes and without having to obtain various permits from State agencies. The City requests that you issue a sixth (or next in order) Supplementary Proclamation to the March 2, 2006 Proclamation, basically in the form of the Fifth Supplementary Proclamation (attached hereto), which will suspend any and all relevant State statutes, especially those listed in the Fifth Supplementary Proclamation, to the extent necessary to allow the City to complete the temporary bypass construction and the replacement Beach Walk force main.

Additionally, the City respectfully requests whatever financial assistance the State can offer to assist the City and County in the financing of sewer projects. The timeframe for any financial assistance will be critical, because the EPA and DOJ are looking to finalize an agreement with the City within sixty (60) days from today. Due to this time constraint the City needs to know immediately, whatever considerations and assistance the State can offer the City.

We trust that you understand the gravity of this situation, and that this request would not have been made if we did not feel compelled to do so. Please give our request your utmost consideration.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mufi Hannemann", with a stylized flourish extending to the right.

Mufi Hannemann
Mayor

Attachment

cc: The Honorable Robert Bunda
President, State Senate
The Honorable Calvin K.Y. Say
Speaker, House of Representatives

EXECUTIVE CHAMBERS
HONOLULULINDA LINGLE
GOVERNOR

May 16, 2006

The Honorable Mufi Hannemann
Mayor
City and County of Honolulu
Honolulu Hale
Honolulu, Hawaii 96813

Dear Mayor Hannemann:

I am in receipt of your letter of May 3, 2006 in which you describe the adverse impact caused by the recent Beach Walk force main spill. As a former Mayor, I appreciate why the City now views with a sense of urgency the "specific force main projects" you generally describe in your letter, and other work with regard to repair, maintenance, and upkeep of the City's wastewater collection system.

You have specifically requested "a state of emergency be declared to allow [the City] to be able to move forward with construction efforts expeditiously without the need to comply with the state environmental statutes and without having to obtain various permits from State agencies."

You also requested a Proclamation "which will suspend any and all relevant State statutes . . . to the extent necessary to allow the City to complete the temporary bypass construction and the replacement Beach Walk force main."

While I do recognize the gravity of the situation the City now finds itself in, I need further information in order to decide the extent to which an emergency proclamation is or might be needed. I need to have as complete a description as possible of the exact work planned by the City (I recognize that the Department of Health is likely in receipt of all or some of this information, but I wish to make certain that there can be no misunderstanding as to the exact nature of the work the City proposes) as well as an exact description of the particular laws you would like to see suspended, and why you believe each particular proposed suspension is appropriate.

The Honorable Mufi Hannemann
May 16, 2006
Page 2

I believe that if an emergency proclamation is justified, it should to be narrowly tailored to address those laws that would truly impede the City in expeditiously fulfilling its duty to the citizens and residents of the City and County of Honolulu. To that extent, I will need to determine which, if any laws need to be suspended, and which ought to remain in force to appropriately protect health, safety, and the environment.

I assure you that I will act quickly upon receipt of the necessary information.

Sincerely,



LINDA LINGLE

OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU

530 SOUTH KING STREET, * HONOLULU, HAWAII 96813
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MUFI HANNEMANN
MAYOR

May 18, 2006

The Honorable Linda Lingle
Governor of Hawaii
Executive Chambers
State Capitol
Honolulu, Hawaii 96813

Dear Governor Lingle:

Subject: Declaration of a State of Emergency for the Completion of
Beachwalk Force Main Sewer Project, City and County of Honolulu

In answer to your May 16, 2006 letter for further clarification to our request for a Declaration of a State of Emergency, we offer the following:

In March 2006, the City's existing Beachwalk force main ruptured and caused approximately 48 million gallons of raw wastewater to be diverted into the Ala Wai Canal. In order to avoid another catastrophic diversion, the City intends to install, by emergency procurement provisions, a temporary construction bypass of the Beachwalk force main. Once installed, the temporary construction bypass is intended to be utilized as a backup force main and remain in place for up to 5 to 6 years, until permanent and redundant force mains are in place. Following the construction of the permanent and redundant force mains, the temporary construction bypass will be removed.

The installation of the temporary construction bypass is to be accomplished in two phases. The initial phase includes the placement of thick walled, 42-inch Inside Diameter (I.D.), High Density Polyethylene (HDPE) pipe from an existing 69-inch trunk sewer within the Ala Moana Beach Park to portable pumps along Ala Wai Boulevard (from Lewers Street to Nahua Street). Generally, the 42-inch I.D. HDPE pipe is intended to be buried within Ala Moana Park, and then placed along the bottom of the Ala Wai Canal to a point just short of the Manoa Stream. Temporary pumps will be located on either side of the canal and will be able to pull flows from the wastewater collection system and divert the flows through a temporary pipe system to the 42-inch HDPE pipe in the canal. Upon completion of the initial bypass installation phase, the portable pumps will be operated for approximately three months to divert raw wastewater away from the existing Beachwalk Wastewater Pump Station (Beachwalk WWPS), to allow for the construction of the second phase of the temporary construction bypass. That second phase includes the microtunneling of a new permanent segment of replacement force main, from the Beachwalk WWPS to the mauka bank of the Ala Wai Canal, across from Kaiolu Street. Upon completion of the microtunneling work, the new portion of replacement force main will be connected to the Beachwalk WWPS and to the 42-inch I.D. HDPE pipe within the Ala Wai Canal. Following connection of the pipes, the portable pumps and their associated discharge pipes will be removed. See enclosed Exhibit No. 1 for reference.

If allowed to start construction this week, we plan to have Phase 1 in service by late July 2006 and Phase 2 completed by January 2007. Our contractors are already preparing the site for assembling and installing the pipes. The pipes have started to arrive this week from the mainland and should all be here by the end of the month. Most of the permits we are requesting would usually require a minimum of three to six months to complete. Many of the permits and clearances would also first require a Chapter 343 HRS Environmental Impact clearance, which would require an additional six months to complete. **Your Proclamation would allow Honolulu to have this very important safeguard against another disastrous spill approximately one year earlier than through the normal construction process without said Proclamation.**

Enclosed is a list of the essential permits that may normally be required by such a project. Accordingly, the City would like you to suspend the following statutes to the extent necessary to allow the City to complete the temporary bypass construction and the replacement Beachwalk force mains:

1. Chapter 6E, Historic Preservation;
2. Chapter 46, County organization and administration;
3. Chapter 104, Wages and Hours of Employees On Public Works;
4. Chapter 174C, State Water Code
5. Chapter 205, Land Use Commissions;
6. Chapter 205A, Coastal Zone Management;
7. Chapter 264, Highways;
8. Chapter 341, Environmental Quality Control;
9. Chapter 342B, Air Pollution;
10. Chapter 342D, Water Pollution
11. Chapter 342E, Non-Point Source Pollution Management and Control;
12. Chapter 342F, Noise Pollution;
13. Chapter 343, Environmental Impact Statements;
14. Chapter 344, State Environmental Policy
15. Chapter 286, Highway Safety
16. Chapter 180C, Soil Erosion and Sediment Control
17. Chapter 183, Forest Reserves, Water Development, Zoning
18. Chapter 195, Natural Area Reserves System
19. Chapter 444, Contractor
20. Chapter 464, Professional Engineers, Architects, Surveyors, and Landscape Architects

Your prompt consideration of this request would be greatly appreciated.

With warm regards and aloha,

Yours truly,



Mufi Hannemann
Mayor

Enclosure
DK/Gl:jy

May 15, 2006

EMERGENCY TEMPORARY BEACHWALK CONSTRUCTION BYPASS LINE
PERMITS AND AGENCY CLEARANCES

The following permits and agency clearances will be obtained for the construction of the Emergency Temporary Beachwalk Construction Bypass Line, as needed. No permit applications have been filed to date. A copy of the permit applications will be forwarded to DLNR when they are finalized for filing.

Note: On May 3, 2006, the City and County of Honolulu (CCH) submitted a request for the Governor to issue an Emergency Declaration for the project. A response is pending.

I. FEDERAL ENTITLEMENTS

Agency: Department of the Army, Corps of Engineers
Permit: Letter of Permission (Title 10, Rivers and Harbors Act of 1899, 33 USC 403)
Status: A meeting with the Corps of Engineers (COE) and the Department of Health (DOH) was held on May 3, 2006, to discuss the actions or documentation required to meet regulatory requirements.

The CCH will prepare and submit this application.

Agency: Department of Business, Economic Development & Tourism, Office of Coastal Zone Management
Permit: Coastal Zone Management Federal Consistency Review (CZM Act of 1972)
Status: The requirement for this permit is based on discussion with the COE on May 3, 2006. It is a requirement for the processing of the Letter of Permission.

Agency: Department of Health (DOH), State of Hawaii
Permits: a) NPDES NOI Form C, General Permit for Discharges of Stormwater Associated with Construction Activity
b) NPDES NOI Form F, Hydrotesting Discharge
c) NPDES NOI Form G, Dewatering Effluent
Clean Water Act of 1972, Section 402. Administered in Hawaii by DOH, Clean Water Branch.

Status: A meeting with COE and DOH was held on May 3, 2006, to discuss the actions or documentation required to meet regulatory requirements.

The CCH will prepare and submit NPDES NOI Form C.

The CCH will prepare and submit NPDES NOI Form F and G, as needed.

II. STATE ENTITLEMENTS

Agency: Department of Health, Noise Radiation and Indoor Air Quality Branch
Permit: Noise Variance Permit, HAR, Chapter 11-46 Community Noise Control

Status: The CCH will prepare and submit a Noise Variance Permit application.

Agency: Department of Health, Office of Environmental Quality Control
Clearance: HRS, Chapter 343, HAR, Chapter 11-200
Status: The CCH will prepare and submit an Environmental Assessment.

Agency: Commission on Water Resource Management
Department of Land and Natural Resources
Permit: Stream Channel Alteration Permit, HRS, Chapter 174C, State Water Code, HAR, Chapter 13-168, Water Use, Well, and Stream Diversion Works

Status: The CCH will prepare and submit a Stream Channel Alteration Permit application.

Agency: Office of Conservation and Coastal Lands
Department of Land and Natural Resources
Status: The Office had no concerns in regard to the project; the Office handles submerged land and conservation land, the proposed line is in urban classified land (Via phone conversation).

Agency: State Historic Preservation Division (SHPD)
Department of Land and Natural Resources
Clearance: SHPD Review
Status: The CCH submitted documents to SHPD on 5/10/06, for review.

Agency: Division of Aquatic Resources
Department of Land and Natural Resources
Status: The Division had no concerns in regard to the project (Via phone conversation).

Agency: Division of Boating and Ocean Recreation
Department of Land and Natural Resources
Status: The project was presented to DOBOR on April 27, 2006 and May 1, 2006.

Agency: Engineering Division
Department of Land and Natural Resources
Status: The project was presented to the Engineering Division on May 1, 2006.

Agency: Department of Transportation
Permit: Permit to Perform Work within a State Highway Right-of-Way
Status: The CCH will prepare and submit this permit application, as needed.

II. CITY AND COUNTY OF HONOLULU ENTITLEMENTS

Agency: Department of Environmental Services
Permit: Industrial Wastewater Discharge Permit
Status: DDC will prepare and submit an Industrial Wastewater Discharge Permit application.

Agency: Department of Planning and Permitting
Permit: Permission to Discharge into County Storm Drainage System
Status: DDC will prepare and submit this permit application.

Agency: Department of Planning and Permitting
Permit: Building Permit
Status: DDC will prepare and submit this permit application, as needed.

Agency: Department of Planning and Permitting
Permit: Trenching Permit
Status: DDC will prepare and submit a Trenching Permit application.

Agency: Department of Planning and Permitting (DPP)
Permit: Special Management Area (SMA) Permit, ROH, Chapter 25
Status: A Memorandum was sent to DPP on April 26, 2006 to request a determination on the need for a SMA Permit. A response is pending.

Agency: Department of Planning and Permitting
Permit: Diamond Head Special District Permit
Status: DDC will prepare and submit this permit application, as needed.

Agency: Department of Planning and Permitting
Permit: Waikiki Special District Permit
Status: DDC will prepare and submit this permit application, as needed.

Agency: Department of Transportation Services
Permit: Street Usage Permit
Status: DDC will prepare and submit a Street Usage Permit application.

Agency: Department of Parks and Recreation
Permit: Tree Removal Permit
Status: DDC will prepare and submit this permit application, as needed.

Agency: Department of Parks and Recreation
Permit: Tree Pruning/Trimming Permit
Status: DDC will prepare and submit this permit application, as needed.

**DLNR QUESTIONS ON THE PROPOSED ALA WAI CANAL SEWER TEMPORARY
BY-PASS PROJECT**

May 1, 2006

1. What permits are needed? Has the City received any of them?

Please see the attached list of permits and agency clearances that will be obtained for this project, as needed, and their status.

2. Has the City done an environmental assessment? If not, are they going to do one?

The City and County of Honolulu is preparing a request for the Governor to declare a State of Emergency for the project. An Environmental Assessment will be prepared if a State of Emergency is not issued.

3. How long is the line?

Approximately 7,200 feet.

4. Will it sit on the bottom?

The segment of the line in the Ala Wai Canal will sit on the bottom of the canal.

5. Is it attached to the bottom?

No.

6. Is it in the middle of the Canal or along the side?

The Contractor will perform a hydrographic survey of the Ala Wai Canal; the results of the survey will be used to evaluate alternative alignments. The intent is to align the pipe in the deepest portions of the canal, as practicable.

7. Will the project affect or disturb any portion of the canal walls?

The Contractor will perform a hydrographic survey of the Ala Wai Canal; the results of the survey will be used to evaluate alternative alignments. Disturbance of the canal walls will be kept to a minimum, or none. The City understands that the canal walls are a "historic site", and will coordinate any disturbance of the canal walls with the State Historic Preservation Division.

8. What happens if debris (say a tree) comes down and breaks it?

The high density polyethylene (HDPE) pipe is manufactured to be virtually indestructible. For example, on Ford Island, a drunk driver crashed into a 36" DR11 HDPE pipe at high speed. The pipe was gouged, but in good condition.

The walls of the proposed HDPE pipe are 3" thick, the joints are fused and are nearly as strong as the pipe.

If the emergency temporary bypass line breaks, flow can be diverted to the existing Beachwalk force main.

To repair the break, the line would be lifted out of the canal. If the break is small, a sleeve can be wrapped around it with a coupling. If the break is unrepairable, the pipe section can be cut off and a new section fused in.

9. What happens if a boat hits it and it breaks?

The high density polyethylene (HDPE) pipe is manufactured to be virtually indestructible. For example, on Ford Island, a drunk driver crashed into a 36" DR11 HDPE pipe at high speed. The pipe was gouged, but in good condition.

The walls of the proposed HDPE pipe are 3" thick, the joints are fused and are nearly as strong as the pipe.

If the temporary pipe breaks, flow can be diverted to the existing Beachwalk force main.

To repair the break, the line would be lifted out of the canal. If the break is small, a sleeve can be wrapped around it with a coupling. If the break is unrepairable, the pipe section can be cut off and a new section fused in.

10. Has the City developed an emergency response plan? If not, will one be developed?

If the temporary pipe breaks, flow can be diverted to the existing Beachwalk force main.

To repair the break, the line would be lifted out of the canal. If the break is small, a sleeve can be wrapped around it with a coupling. If the break is unrepairable, the pipe section can be cut off and a new section fused in.

11. Is there a possibility that it may affect the recreational uses of the canal (say the canoe halaus, others)?

The Contractor will perform a hydrographic survey of the Ala Wai Canal; the results of the survey will be used to evaluate alternative alignments. The intent is to align the pipe in the deepest portions of the canal, as practicable. The City understands that at least 2 feet of cover shall remain above the pipe at low-low tide level.

- 12. If this project may affect the relocation or abandonment of HECO's cables crossing the canal which may involve additional dredging, will the City accommodate their project? Who will pay for any additional project costs?**

The project will cross the canal at two locations:

1. The segment from the existing Beachwalk pump station to Shaft No. 2 will be installed at approximately 40 feet below the ground surface. There will be approximately 25 feet of clearance between the City's line and HECO's existing cables.

Also, the City is presently working with HECO in regards to the horizontal location of our pipe in relation to their future cables.

2. The portable pump force main system crossing will be install Diamond Head of HECO's easement, and will not cross HECO's easement.

The Contractor will perform a hydrographic survey of the Ala Wai Canal; the results of the survey will be used to evaluate alternative alignments. The intent is to align the pipe in the deepest portions of the canal, as practicable.

- 13. If this project may affect DLNR's future dredging of the canal, how will the City accommodate the project? Who will pay for any additional project costs?**

Subject to City Council and Mayor approval, the City would consider participation in the City's fair share of additional dredging project costs, provided there are demonstrated impacts caused by the bypass line upon that future dredging project.

- 14. If this project may affect Corps of Engineers/DLNR future dredging and proposed projects for the canal, how will the City accommodate the projects? Who will pay for any additional project costs?**

Subject to City Council and Mayor approval, the City would consider participation in the City's fair share of additional dredging project costs, provided there are demonstrated impacts caused by the bypass line upon that future dredging project.

- 15. Will the by-pass line have some type of toning instrumentation attached at various intervals so that horizontal and vertical locations can be confirmed?**

This design is presently under evaluation.

- 16. Will they pay for the use?**

The City will pay for the installation, maintenance, operation, and removal of the emergency temporary bypass line.

17. Has the City made a formal request? In writing?

The City will send a formal request to the Dept. of Land and Natural Resources.

18. Who is representing the City in the request?

The Department of Design and Construction.



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

May 19, 2006

Mr. Peter Young
Chairperson
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawai'i 96809

LOG NO: 2006.1559
DOC NO: 0605CM35
Archaeology

Dear Mr. Young:

**SUBJECT: Chapter 6E-8 Historic Preservation Review [State] –
Emergency Temporary Beachwalk Construction Bypass Line
Waikiki Ahupua'a, Honolulu [Kona] District, Island of O'ahu
TMK: (1) 2-6-various plats & parcels**

Thank you for the opportunity to review the aforementioned project. We received your documents, including a brief cover letter and enclosures, on May 18, 2006. The proposed undertaking consists of installing an emergency bypass for wastewater removal between the Beachwalk Wastewater Pumping Station (WWPS) to the Ala Moana WWPS. Our review of this project is based on resources available at the State Historic Preservation Division (SHPD). No site inspection was conducted.

According to the provided documents, most of the sewer pipe for this project will be installed using 'microtunneling' (also known as 'direction drilling') technology, which will minimize the amount of open-trenching. Based on our experience, multiple 'jacking' and 'receiving' pits will need to be excavated in support of microtunneling. We believe other open-trench excavation will need to be conducted in other portions of the project area (e.g., vicinity of Ala Moana Park Drive).

Given the well-documented presence of subsurface sites and features in the vicinity of the project area, including numerous burials and evidence of Pre-Contact Hawaiian activities, we have determined that the proposed undertaking may have adverse effects on historically-significant sites that may be present below the ground surface. For these reasons, we recommend archaeological monitoring of all open-trench excavation below the road base-course layers.


Please submit an archaeological monitoring plan (AMP), which we will review immediately upon receipt, in order to expedite the historic preservation review process. Please instruct the archaeological contractor to contact the State Historic Preservation Division (SHPD) as soon as possible.

An acceptable AMP must contain the following nine (9) specifications: (1) the kinds of remains that are anticipated and where in the construction area the remains are likely to be found; (2) How the remains and deposits will be documented; (3) How the expected types of remains will be treated; (4) The monitoring archaeologist has the authority to halt construction in the immediate area of the find in order to carry out

the plan; (5) A coordination meeting between the archaeologist and construction crew is scheduled, so that the construction team is aware of the plan; (6) What laboratory work will be done on remains that are collected; (7) A schedule of report preparation; (8) Details concerning the archiving of any collections that are made; and (9) An acceptable monitoring report shall be submitted to the SHPD for review following completion of the proposed undertaking. The SHPD shall be notified via facsimile upon the onset and completion of the proposed undertaking.

Please contact Dr. Chris Monahan at (808) 692-8015 if you have any questions about this letter.

Aloha,



Melanie Chinen, Administrator
State Historic Preservation Division

CM

cc: Mr. William Andrews, DLNR, Division of Boating and Ocean Recreation (State)
Mr. Guy Inouye, Department of Design and Construction (City and County of Honolulu)
Mr. Kai Markell, OHA